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Congress Is Accused of Laxity on C.I.A.'s Covert Activity

By SEYMOUR M. HERSH

Some members of Congress and Washington officials are openly expressing concern about what they say are weaknesses in the Congressional control and monitoring of the Central Intelligence Agency's covert activities overseas.

They cite as evidence the willingness of the Senate and House intelligence committees to approve clandestine operations in such sensitive regions as the Middle East and Africa without serious questioning.

At least three such operations involving the shipment of communications equipment to Egypt and the Sudan and an anti-Cuban propaganda program in the Horn of Africa, were approved by the committees last fall, according to well-placed sources.

Some legislators were known to have had subsequent misgivings about at least one operation, but no objections were voiced at the time, the same sources said.

There is no legislation barring the C.I.A. from engaging in covert activities abroad, but the quick endorsement by the Senate and House intelligence committees last year of the three covert operations disconcerted some members of Congress who had already raised questions about the various command-and-control mechanisms set up in the wake of the C.I.A. domestic spying scandals, The Times's sources said.

The C.I.A.'s operations were approved, as they must be before being submitted to Congress, by President Carter and the Special Coordinating Committee, his new Cabinet-level group that reviews and assesses all clandestine activity. The coordinating committee is headed by Zbigniew Brzezinski, the national security adviser.

To Cover the Waterfront

Members of the Senate Intelligence Committee acknowledged in recent interviews that the process of gaining the right to complete oversight over the C.I.A.'s activities was a slow one and not yet been completed. But they insisted, as one senior aide said, that "in every area of intelligence activity, the committee will be able to cover the waterfront from top to bottom."

The broad question of Congressional control over the C.I.A.'s covert activities has been raised repeatedly since the spying scandal. One immediate solution was to expand to eight the number of Congressional committees entitled to briefings on such activities. In practice, however, an inquiry by The Times showed that while the full membership of the Senate and House intelligence committees was briefed, only a few members of the other six committees were informed of the covert operations and usually after the fact.

Because of the past controversy over the agency's involvement in Chile and elsewhere, some members of Congress and Administration officials are known to believe, the security for such operation is all the more fragile and, thus, the activities riskier.

For example, the existence of the clandestine operations in the Middle East and Africa was disclosed as President Carter and key Administration aides are becoming involved in an increasingly public debate over Congressional restrictions and prohibitions on foreign involvements.



New U.S. Role in Angolan War Seen

Senator Dick Clark, Democrat of Iowa, told reporters last week that he believed the Carter Administration was considering a re-entry into the Angolan civil war by clandestinely supplying arms, through the French, to a pro-Western faction there. And the President was quoted as having made clear to some senators that he would support a repeal of legislation barring the United States from aiding a pro-Western faction in Angola.

The covert operations, all approved sometime last fall, included the delivery of clandestine radio and other communications equipment to President Anwar el-Sadat of Egypt and to President Gaafar al-Nimeiry of the Sudan.

In addition, the C.I.A. organized an anti-Cuban propaganda operation during intensified fighting between Ethiopia and insurgents in Eritrea.

As explained by Administration officials, the equipment provided to Mr. Sadat last year was part of a continuing C.I.A. project to supply him with a personal communications system for safety.

The Administration officials said that Mr. Sadat had requested the equipment

so he could communicate with his personal aides without others—presumably in the Egyptian military—being able to eavesdrop.

The equipment was said to have cost less than \$500,000 and perhaps as little as \$350,000. It was described as part of a five-year or six-year multimillion-dollar communications program, now in its final stage.

Similar equipment was reportedly provided earlier to leaders of the Israeli Government.

Administration officials explained that Mr. Sadat considered the C.I.A. equipment as "very personal" and it was at his direct request that it was provided secretly.

One well-placed official expressed dismay during an interview over the fact that the Senate and House intelligence committees, which investigated the C.I.A. scandals in 1975, had now routinely approved the covert operations. "The pendulum is swinging back," he said.

A Loophole Was Found

Complicating the overall question of how effectively the Senate and House intelligence committees have been in monitoring covert C.I.A. activities is a procedural dispute that is now under study by the National Security Council.

According to a number of Administration officials and members of Congress, a basic monitoring tool for Congress is the 1974 Hughes-Ryan Amendment, which states that no covert C.I.A. operation can be carried out unless the President makes "a finding" that the operation is important to national security. The proposed activity then is submitted to the House and Senate intelligence committees for approval before being carried out.

What some members of Congress are known to consider as a loophole was discovered in January 1975, less than a month after the amendment was approved by Congress. President Gerald R. Ford issued a series of secret "world-

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wide findings" that determined in advance that any C.I.A. clandestine operation dealing with narcotics, terrorism or counterintelligence was prima facie important to national security.

President Carter endorsed that interpretation shortly after taking office last year, well-placed sources said.

In other words, the sources said, the C.I.A. did not need formal approval to begin overseas operations in those three categories of clandestine activity.

Some members of Congress, interviewed in recent weeks complained that the worldwide findings were "vague" and "open-ended."

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One legislator noted, for example, that under the current interpretation the C.I.A. theoretically could mount a propa-

ganda operation—without advance clearance from Congress—in connection with a narcotics investigation.

Another legislative official conceded that the worldwide findings were vague, but contended, nonetheless, that the Senate and House intelligence committees could overcome that deficiency.

The official added that the basic issue confronting the committees was one of "follow-up." The fact that the White House and C.I.A. had agreed on a worldwide finding, the legislator added, should not deter the committees from fulfilling their obligation—to continuously investigate the C.I.A. overseas to insure that no improper activities were taking place.

As of today, a number of sources said, the Senate Intelligence Committee, which has the largest staff for such work in Congress, has only one investigator assigned to that area.

Because of some complaints, the sources said, the National Security Council is now trying to rewrite the worldwide findings into a more specific "omnibus" finding. It would specifically cite the kinds of terrorism, narcotics or counterintelligence activities that would be directly considered important to national security and, thus, would not need Congressional approval. The new finding is expected to be proposed imminently, sources said.

Another potential Hughes-Ryan loophole cited by some members of Congress dealt with language in the legislation that specifically exempts C.I.A. "activities intended solely for obtaining necessary intelligence" from Congressional oversight.

"That's the real escape clause," one official said. "They don't have to report on their assets doing intelligence collection."

Two members of Congress noted during interviews that John Stockwell, the former C.I.A. task force leader in Angola, revealed in his recently published book that C.I.A. agents and operatives were serving on the ground inside Angola as advisers during the 1975 civil war there—in direct contradiction to what Congress secretly was being told by the C.I.A.

Those Americans inside Angola, the officials said, were depicted during secret briefings as merely conducting "intelligence collection"—an activity outside of the purview of the Hughes-Ryan amendment.

"Take a C.I.A. asset in the field," one legislator explained. "He may be giving you counterintelligence information, gathering positive intelligence and also may be doing propaganda."